

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 4536 of 2006 (O&M)

Date of decision : 29.9.2006

Munna

....Appellant

Versus

Surinder and others

...Respondents

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Varun Chawla, Advocate
for the appellant.

...

MAHESH GROVER, J.(Oral)

The present appeal has been initiated at the behest of the owner of the offending vehicle against the award of the Motor Accident Claims Tribunal, Panipat dated 8.8.2005 rendered in M.A.C.T. Case No.1 of 2004.

The only contention raised by the learned counsel for the appellant is that the vehicle in question had already been sold by him and on the date of accident the appellant was not its owner. The factum of sale was admitted by the subsequent owner who had carried out the policy of insurance as well.

On perusal of the record it transpires that the appellant continued to be the registered owner of the vehicle in question. There was no evidence on record to show that the provisions of Section 50 of the Motor Vehicles Act stood complied with or that any intimation

regarding the sale and change of ownership was given to the registering authority or the insurer. The Tribunal after noticing all these facts has rightly fastened the liability upon the appellant. Besides, the insurance company has been held entitled to recover the amount of the award from either the appellant or the subsequent owner.

That apart, the appeal is barred by a delay of 289 days which has not been explained satisfactorily.

For the foregoing reasons, there is no infirmity in the award of the Tribunal and the appeal being devoid of any merit is dismissed in limine.

(MAHESH GROVER)
JUDGE

29.9.2006

(UMA NATH SINGH)
JUDGE

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